



KISII UNIVERSITY

UNIVERSITY EXAMINATIONS

SECOND YEAR EXAMINATION FOR THE AWARD OF THE DIPLOMA IN LAW SECOND SEMESTER, 2021/2022 (FEBRUARY – JUNE, 2022)

DLAW 0224: CONVEYANCING LAW

STREAM: DLAW 2 S2

TIME: 2 HOURS

DAY: FRIDAY, 12:00 – 2:00 P.M.

DATE: 27/05/2022

INSTRUCTIONS

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE [Compulsory] and any other TWO Questions.***
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.***

QUESTION ONE

Juma Boy Ngao of national ID number 2789932 and Freshly Mwaburi of national ID 2345546 are interested in purchasing a piece of land LR No. KISII MUNICIPALITY/BLOCK III/999 measuring 0.99 Ha. The Certificate of Lease reads that the proprietor of the land is Khamisi Gecaga. However, the actual seller, that the two met, is a young lady called Angela Gecaga who says Khamisi is her father; and that she has a valid duly registered power of attorney in her favour as donee and Khamisi as donor instructing her to sell the parcel at Kshs. 1,000,000 by December 2022. Advise the purchasers on the following:

- What is a power of attorney and its role in conveyancing transactions (5 marks)
- Whether it is possible to transact with Angela Gecaga with respect to the parcel of land on sale (5 marks)

- (iii) Upon identification of the right parties to transact with, draft the Transfer Instrument for this conveyancing transaction (20 marks)

QUESTION TWO

Explain at least four ways in which one can conduct a due diligence on land (20 marks)

QUESTION THREE

Explain at least four completion documents and their role in the conveyancing transaction. (20 marks)

QUESTION FOUR

Explain the meaning of the following land processes (20 marks)

- (i) Subdivision
- (ii) Change of User
- (iii) Valuation
- (iv) Charge

QUESTION FIVE

Explain the roles of the following institutions in conveyancing transactions and land administration in Kenya. (20 marks)

- (i) National Land Commission
- (ii) County Land Registry
- (iii) Environment and Land Court
- (iv) Land Control Board